

Virginia Manufactured Housing Board

Minutes

August 19, 2004

Board Members Present: James W. Roncaglione, Chairman
Eric C. Anderson
Samantha Hedgspeth
Ava Lewis
William H. Moody
Michael C. Nickell
William B. Toombs

Board Members Absent : Danny Moon
E. Thomas Satterwhite

Public Representative : Ron Dunlap, VAMMHA
William Diamond, Legal Counsel to the Board, AG's Office
William Michael McCourt, Sales Applicant

A. Call to Order/Roll Call/Determination of a Quorum.

Chairman Roncaglione called the Virginia Manufactured Housing Board meeting to order at 10:15 a.m. Curtis L. McIver, Secretary to the Board did the Roll Call and a Quorum was present. The newly appointed Board members confirmed they had completed their oath of office.

B. Approval of the Minutes.

A motion was made by Michael C. Nickell and second by William H. Moody to accept the Minutes as presented. Chairman Roncaglione called the question. The Virginia Manufactured Housing Board Minutes were accepted as presented by a unanimous vote.

C. Public Comment.

None

D. Committee Reports.

None.

E. Report of the Secretary.

1. Licenses and Recovery Fund Reports.

The cash balance in the Licensing Account is \$23,567.34. The cash balance in the Transaction Recovery Fund is \$840,544.06.

Currently licensed are 9 brokers, 258 dealers, 51 manufacturers and 784 salespersons in the program.

2. Proposed amendments to the Regulations.

As required by the Administrative Procedures Act and the Governor's Executive Order Number 21, staff received approval to publish a "Notice of Intended Regulatory Action" or "NOIRA. The NOIRA was published in the Virginia Register on July 26, 2004.

F. Unfinished Business.

1. Catherine Portman vs. Colonial Homes.

Case is being continued to give all members sufficient time to review file materials and the transcript of the Hearing prior to making final decision. Staff is to notify all parties involved of the case status.

2. Elizabeth Conn vs. Colonial Homes.

Case is continued until the Board's next meeting. Hearing date is being scheduled by staff.

3. Jason & Robin Deavers vs. DB Homes, Stanley, VA.

The case has been referred to the Board of Contractors. It does not fall within the Virginia Manufactured Housing Board's jurisdiction.

4. Pending Items – In Circuit Court.

- a. Brenda Washington vs. Colonial homes – No change in status.
- b. Ronald Morehart vs. Blairs Housing and Liberty Homes – No change in status.
- c. Christine White vs. Colonial Homes – No change in status.
- d. License application from John C. Witcher, Jr. – A Gem Homes – No change in status. Ms. Ellen Coates, Assistant Attorney General, stated in January 2004 that the OAG would file a motion to the Court to dismiss the appeal as moot. No further information has been received from the Court or the OAG.
- e. John and Geraldine Brain vs. Manufactured Housing Board – No change in status. Former staff with the OAG filed a motion to dismiss this appeal. According to Mr. Zorn, former counsel with the OAG, the Court will not rule on the motion until a hearing is scheduled. The petitioner, Brain, has not set a hearing date with the Court. No action is needed by the Board.
- f. Ms. Betty Russell vs. Oakwood Homes – The civil case between Mr. Russell and Oakwood Homes has been filed in the civil court. The Board tabled this complaint pending the outcome and ruling of the civil court.

5. Completed Agenda Items.

- a. L. Steven DuVal vs. Vicki's Homes, Inc. – Case closed.
- b. Connie L. Rowan vs. Millennium Homes – Case closed.

G. New Business.

1. License application by William Michael "Mike" McCourt, Southern Showcase Housing, Inc.

Mr. McCourt appeared before the Virginia Manufactured Housing Board. Board members asked questions of Mr. McCourt. After discussion, it was motioned by Eric C. Anderson and seconded by Ava Lewis to issue a salesperson's license to Michael 'Mike' McCourt unconditionally.

Chairman Roncaglione called the questions and the motion carried by a unanimous vote.

2. William Diamond, Office of the Attorney General.

Mr. Diamond discussed before the Virginia Manufactured Housing Board the Administration Process Act that must be followed in all disciplinary procedures used by the Board when considering imposing any sanction against a licensee or approving any payment(s) from the Transaction Recovery Fund.

3. Election of Board Officers.

The Changing of the Guard/Election of Officers was held. The election results by unanimous votes are as follows.

- a. Chairman of the Virginia Manufactured Housing Board – William B. Toombs.
- b. Vice Chairman of the Virginia Manufactured Housing Board – William H. Moody.
- c. Secretary of the Virginia Manufactured Housing Board – Curtis L. McIver.

H. Next meeting date and location.

The next meeting of the Virginia Manufactured Housing Board will be Thursday, September 16, 2004, at the Department of Housing and Community Development, The Jackson Center, 501 N. 2nd Street, 1st Floor Board Room, Richmond, VA 23219. Telephone No. (804) 371-7160.

I. Adjournment

The Virginia Manufactured Housing Board Meeting adjourned at 2:30 p.m. by a motion from William H. Moody and second Michael C. Nickell. The motion carried a unanimous vote.